

**Bureau of Internal Affairs
Special Investigations Section**

**26 April 2012
CR # 1052144**

TO: Lt. Karen Konow #209

Commanding Officer

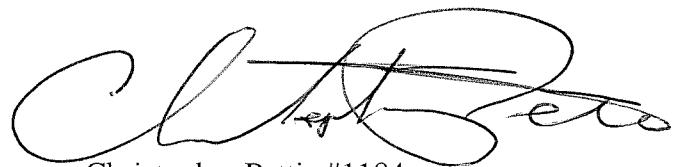
Special Investigations Section, BIA

FROM: Christopher Pettis #1184

Special Investigations Section, BIA

SUBJECT: Approval of Complaint Register Investigation CR # 1052144

The attached Complaint Register number has been completed and is being submitted for your approval.



Christopher Pettis #1184
Special Investigations Section, BIA

APPROVED:



Lt. Karen Konow #209
Commanding Officer
Special Investigations Section, BIA


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Log No.: 1052144 Type.: INFO Team: **SPECIAL INVESTIGATION SECTION - E.E.O.**
Investigator: **PETTIS, CHRISTOPH**

Investigations

- [Involved Parties](#)
- [Incident Address](#)
- [Allegations](#)
- [Additional Incident Details](#)
- [Related Incidents](#)

Investigator History

Investigator	Type	Assigned Team	Assigned Date	Scheduled End Date	Investigat End Date
PETTIS, CHRISTOPH	Primary	SPECIAL INVESTIGATION SECTION - E.E.O.	06-MAR-2012	04-JUL-2012	
KONOW, KAREN	Supervisor	SPECIAL INVESTIGATION SECTION - E.E.O.	06-MAR-2012	05-APR-2012	

Attachments

No.	Type	Related Person	No. of Pages	Narrative	Original in File	Entered By	Entered Date/T
1	FACE SHEET	N/A				TOUSANT, LISA	27-FE 2012
2	CONFLICT CERTIFICATION	N/A				PETTIS, CHRISTOPH	08-MA 2012
3	EEO (EQUAL EMPLOYMENT OPPORTUNITY) COMPLAINT	N/A	2	Initiation Report with Charge of Discrimination EEO # 440-2012-02173	NO	TOUSANT, LISA	27-FE 2012
4	TO/FROM REPORT	N/A	1	To/From to personnel about Kasper	YES	PETTIS, CHRISTOPH	08-MA 2012
5	REPORT (OTHER)	N/A	14	To/From and reports concerning P.O Kasper's promotion to FTO and relinquishment of the same.	YES	PETTIS, CHRISTOPH	09-AP 2012
6	COMPLAINANT STATEMENT	N/A	12	Complainant Interview #1 with attached documents	YES	PETTIS, CHRISTOPH	15-MA 2012
7	COMPLAINANT STATEMENT	N/A	7	Complainant Interview 19 March 2012, continuation of 15 March 2012, Officer Michael Kasper.	YES	PETTIS, CHRISTOPH	09-AP 2012
8	COMPLAINANT STATEMENT	N/A	78	Complainant Interview 19 March 2012 (Attachments)	YES	PETTIS, CHRISTOPH	09-AP 2012
9	EEO (EQUAL EMPLOYMENT	N/A	3	Complainant Kasper's additional charges to EEO #	YES	PETTIS,	09-AP

	OPPORTUNITY COMPLAINT			2012-04, Log 1052144		CHRISTOPH	2012
View	10 INTERVIEW - WITNESS	N/A	7	Witness interview Hemmerling with attachments	YES	PETTIS, CHRISTOPH	09-AP 2012
View	11 INTERVIEW - WITNESS	N/A	1	Witness interview Dr. Arjmand	YES	PETTIS, CHRISTOPH	09-AP 2012
View	12 DEPARTMENT DIRECTIVE OR GENERAL ORDER	N/A	4	Application for Police Officer Assigned as Field Training Officer Employee Resource E05-08	YES	PETTIS, CHRISTOPH	09-AP 2012
View	13 DEPARTMENT DIRECTIVE OR GENERAL ORDER	N/A	3	Employee Resource/Sworn Limited Duty Program	YES	PETTIS, CHRISTOPH	09-AP 2012

Internal Use Only

No records found.

SUMMARY REPORT DIGEST

CHICAGO POLICE DEPARTMENT

LOG NO
1052144

TYPE
INFO

DATE OF REPORT
25-JUN-2012

INSTRUCTIONS: To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED, NO AFFIDAVIT, or in SUSTAINED cases where the Disciplinary Recommendation does not exceed Five (5) DAYS SUSPENSION.

TO: DEPUTY SUPERINTENDENT, BUREAU OF PROFESSIONAL STANDARDS
ATTENTION: CHIEF, INTERNAL AFFAIRS DIVISION

FROM - INVESTIGATOR'S NAME	RANK	STAR NO	EMPLOYEE NO	UNIT ASSIGNED	UNIT DETAILED
PETTIS, CHRISTOPH	9171	1184		121	

REFERENCE NOS.(LIST ALL RELATED C.L., C.B., I.R., INVENTORY NOS., ETC., PERTINENT OF THIS INVESTIGATION)

INCIDENT ADDRESS:	DATE / TIME:	12-FEB-2012 00:02	BEAT:	211
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ACCUSED

NAME	RANK	STAR NO	EMP NO	UNIT ASSIGNED	UNIT DETAILED	SEX/RACE	DOB	APPOINTED DATE	ON DUTY ?	SWORN ?
UNKNOWN						/			UNK	UNK

REPORTING PARTY

NAME	ADDRESS*	CITY STATE	TELEPHONE	SEX / RACE	DOB / AGE
KASPER, MICHAEL	RANK: 9164,STAR NO: 4240, EMP NO: [REDACTED]			M / WHI	[REDACTED] / 48

VICTIMS

NAME	ADDRESS*	CITY STATE	TELEPHONE	SEX / RACE	DOB / AGE
KASPER, MICHAEL	RANK: 9164STAR NO: 4240, EMP NO# [REDACTED]			M / WHI	[REDACTED] / 48

WITNESSES

NAME	ADDRESS*	CITY STATE	TELEPHONE	SEX / RACE	DOB / AGE
HEMMERLING, BARBARA	RANK: 0341,STAR NO: ,EMP NO [REDACTED]			F / WHI	[REDACTED] / 66
ARJMAND, SUSAN	RANK: 9684,STAR NO: ,EMP NO: [REDACTED]			F / WHI	[REDACTED] / 50

* IF CPD MEMBER, LIST RANK, STAR, EMPLOYEE NOS. IN ADDRESS, PAX/BELL IN TELEPHONE BOX.

ALLEGATIONS

See Page 2

SUMMARY

See Page 3 & 4

ATTACHMENTS

INVESTIGATIVE REPORTS - SUPPORTING ALLEGATIONS LIST ATTACHMENTS NUMBER	INVESTIGATIVE REPORTS - SUPPORTING ACCUSED MEMBERS(S) LIST ATTACHMENTS NUMBER:	PHYSICAL EVIDENCE LIST ATTACHMENTS NUMBERS:	TOTAL NUMBER OF ATTACHMENTS SUBMITTED WITH THIS FILE:
1, 3,6,7,9	10,11,12,13		13

FINDINGS - RECOMMENDATIONS

See Page 5

DATE INITIATED
(Date incident was received for investigation)

06-MAR-2012

DATE COMPLETED (Date of this report)

25-JUN-2012

ELAPSED TIME
(Total time expressed in days)

111

Investigator will initiate the Command Channel Review form by completing the Investigator's Section.

INVESTIGATOR'S SIGNATURE

IF NECESSARY, USE AN 8 1/2 x 11" SHEET OF WHITE PAPER TO CONTINUE ANY ITEM.

BUREAU OF INTERNAL AFFAIRS
INVESTIGATIONS DIVISION-SIS
SUMMARY REPORT CONTINUATION

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I. ALLEGATIONS

Accused	Name	Star No.	Emp No	Unit At Incident	Current Unit	Rank
	UNKNOWN					

Allegation #1: The unknown accused during the course of KASPER'S employment with the Chicago Police Department subjected the complainant to harassment.

Allegation #2: The unknown accused during the course of KASPER'S employment with the Chicago Police Department subjected the complainant to demotion.

Allegation #3: The unknown accused during the course of KASPER'S employment with the Chicago Police Department subjected the complainant to denial of promotional opportunities.

Allegation #4: The unknown accused during the course of KASPER'S employment with the Chicago Police Department did not provide the complainant with a requested accommodation.

Allegation #5: The unknown accused during the course of KASPER'S employment with the Chicago Police Department has discriminated against the complainant based on his disability in violation of the Americans with Disabilities Act.

II. SUMMARY OF THE INVESTIGATION

The undersigned interviewed Officer Michael Kasper # 4240 on 15 March 2012 concerning the following allegations:

1. The unknown accused during the course of KASPER'S employment with the Chicago Police Department subjected the complainant to harassment.
2. The unknown accused during the course of KASPER'S employment with the Chicago Police Department subjected the complainant to demotion.
3. The unknown accused during the course of KASPER'S employment with the Chicago Police Department subjected the complainant to denial of promotional opportunities.
4. The unknown accused during the course of KASPER'S employment with the Chicago Police Department did not provide the complainant with a requested accommodation.
5. The unknown accused during the course of KASPER'S employment with the Chicago Police Department has discriminated against the complainant based on his disability in violation of the Americans with Disabilities Act.

The undersigned explained to Officer Kasper the interview will focus on allegations 1-3. The undersigned informed Kasper that the Office of Legal Affairs would attend to allegations # 4 & 5. According to Kasper, he was an FTO (Field Training Officer) when his full duty status changed to limited duty status due to his type 1 diabetes. In 2000, Kasper requested a transfer to a limited duty position in the training academy with no success. Kasper explained to the undersigned that he considered the denial of his transfer request to the training academy a form of harassment by the Department. According to Kasper, the harassment by the department existed due to Kasper declining to give up his FTO status to facilitate a transfer, which he interviewed for, to youth investigations.

(See Attachment's # 6 & 7)

Kasper explained to the undersigned that the department subjected Kasper to demotion because of his type 1 diabetes. On 25 February 2011, Director of Human Resources, Tracey Ladner, at the recommendation of the Field Training and Evaluation Review Board, requested approval for the demotion of Michael A Kasper # 14615, from Field Training Officer to the position of Police Officer. The Review Board stated in their review on 20 January 2011, "The Board reviewed FTO Kasper's 11 year history assigned as an FTO. It was found that shortly after FTO Kasper became an FTO in 1999, he was placed on the Medical Roll and had been detailed to non-training units. FTO Kasper is presently detailed to Unit 125, a non-training unit, where he remains on permanent Light Duty Non-IOD status, confirmed by the Medical Section." **(See Attachment # 5)**

BUREAU OF INTERNAL AFFAIRS
INVESTIGATIONS DIVISION-SIS
SUMMARY REPORT CONTINUATION

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When asked, Officer Kasper how were you denied a promotion? Kasper responded, "By being in limited duty status, per any advancement opportunity or promotion, the department has clearly stated that you must be full duty status." Kasper explained to the undersigned that due to his type1diabetes, he is in a limited duty status, and Kasper alleges that the Department denies him the opportunity for promotion because of his disability. Kasper also filed a grievance [REDACTED] concerning his demotion from FTO. (See Attachment # 7)

On 03 April 2012, the undersigned conducted a witness interview of the Medical Administrator, Barbara Hemmerling regarding the status of Kasper. According to Hemmerling, Kasper's limited duty status expired 11 February 2012 due to the denial of Kasper's limited duty request. Hemmerling explained that Director Ladner denied Kasper's limited duty request after conferring with department medical professional, Dr. Susan Arjmand. Due to the expiration of his limited duty status, Hemmerling related that Kasper went on the medical roll.

(See Attachment # 10)

On 05 April 2012, the undersigned interviewed, as a witness, the Deputy Director of Human Resources Medical Services Section, Dr. Susan Arjmand. According to Arjmand, Kasper's treating physician sent a note to the medical section, and based on statements made in Kasper's physician's note, Arjmand denied Kasper's request for limited duty. The physician's note read that, "...patient is prone to extremely low and high glucose readings. If put in a life-threatening situation on the street the patient's medical condition would put himself, his partner, and the public at risk." (See Attachment's # 10 & 11)

The Department enacted the Sworn Limited Duty Program effective 01 January 2012. This program requires employees affected by the program to meet four requirements for approval to the program. P.O. Kasper does meet the four requirements according to his physician. However Kasper's physician noted the caveat that, if put in a life-threatening situation on the street the patient's (Kasper) medical condition would put himself, his partner, and the public at risk. Kasper's physician also notified the department in an earlier communications that Kasper is to remain in a limited duty status. The current program only allows for 365 days of limited duty. The limited duty status of Kasper, and not working in training units while maintaining his FTO status, are the reasons the Review Board gave for recommending a demotion for Kasper. Kasper admitted himself that he is aware that the department requires full duty status for any promotion. Kasper explained that he requested to move to various units.

In conclusion, based on the documentation presented and interviews conducted with the complainant, along with the documentation received via the department; the undersigned cannot prove or disprove the allegations brought by the complainant. The undersigned recommends this case close with the following findings and recommendations.

BUREAU OF INTERNAL AFFAIRS
INVESTIGATIONS DIVISION-SIS
SUMMARY REPORT CONTINUATION

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III. INVESTIGATIVE FINDINGS AND RECOMMENDATION

Accused	Name	Star No.	Emp No	Unit At Incident	Current Unit	Rank
	UNKNOWN					

Allegation: # 1 NOT SUSTAINED

Allegation: # 2 NOT SUSTAINED

Allegation: # 3 NOT SUSTAINED

Recommendation: NONE